

MINUTES
ZONING BOARD OF APPEALS
MAY 27, 2009 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 1

Present: Stebbins, Kravits, Manning, Grady, Russotto, Alternate Mencer
Staff: Galetta, Cullen

I. PUBLIC HEARINGS

ZBA#09-05 – 591 Route 12, Taro LLC and Bedonia LLC/Owners; Submarine Car Wash LLC/Applicant for a variance to Section 5.2 for lot coverage of 28.9% in lieu of 25%, and for a variance to Section 8.6-4 for the enlargement, extension and alteration of a non-conforming building for the addition of a canopy. PIN 168907590091, CA-12 zone.

Chairman Stebbins reopened the public hearing at 7:00 p.m. Manning read the legal ad for the record and stated again that the mailings are in order. Clint Brown, DiCesare Bentley Engineers, 100 Fort Hill Road represented the applicant Submarine Car Wash LLC. Shlomi Peer owner/operator of Submarine Car Wash was also present. Brown explained that the plaza has frontage on Pleasant Valley Road South and Route 12. All the buildings face Route 12 except the car wash which is in the back and faces Pleasant Valley Road South. The site was developed piece meal from 1967-1988 and the car wash building was the last one erected. A variance for building coverage was granted in 1988, because at that time the allowable building coverage was 20%. There have been no physical changes to the property in terms of square footage since 1988. In 1988, building overhangs were not included in the coverage calculations but in 1998 the definition of building area was changed to include overhangs. In 2002, the regulations changed again and the allowable building coverage changed in the CA-12 zone from 20% to 25%. Without the overhangs, the coverage for the existing buildings and a new canopy would be compliant with zoning regulations.

Shlomi Peer, the owner/operator of the car wash clarified the reason for the need for a canopy. Cars enter at south-end of the building and exit at north-end. Weather permitting the car wash is open 7-days per week. Photographs were submitted to illustrate the operation. The canopy would provide protection to customers who must exit their cars and to employees doing prep work. The canopy is a simple structure with no foundation or hard walls and an 18' x 22' footprint. It is considered to be a permanent structure under the building regulations and would require a permit. It does contribute to the overall coverage increasing it from 28.5 -28.9%

The Commission requested that the hardship be clarified by the applicant. The applicant feels that the hardship is related to the unique circumstance of the car wash building being co-located on a site that was developed over the last 40 years without a master plan. The property was never conforming. The overall building coverage is 4000 sq. ft. with the overhangs contributing approximately 10% to the coverage. Changes in the regulations over the years that included canopies as building coverage also contributed to the hardship and need for a variance.

Chairman Stebbins asked for comments in favor or against and there were none. The Planning Commission had no comment. Staff outlined the

building definitions and provided an overview of changes to the zoning regulations.

The public hearing ended at 7:38 p.m.

ZBA#09-04 – 927 Poquonnock Road, Groton Shoppers Mart LLP/Owner; Judy McDougall-Blair, Liberty Tax Service/Applicant for an appeal to the Cease and Desist Order issued February 24, 2009 by the Code Enforcement Officer regarding the activities under Sections 7.3, 7.3-1, 7.3-3, 7.3-3 B, 7.3-3 F, 7.3-7, and 8.1-1. PIN#169809271391, DDD zone

Chairman Stebbins opened the public hearing at 7:40 p.m. Manning read the legal ad for the record and stated that the mailings were not in the file. Manning read a letter from Attorney Thomas Collier, who represents the applicant, requesting the Commission to open and continue the hearing to June 24, 2009. Attorney Collier's letter stated that there was an issue with the legal notices that prevents them going forward tonight. Staff stated that the initial request was discussed with Attorney Collier and it was suggested that he also ask for an extension. Manning read a second letter from Attorney Collier requesting an extension for the maximum allowable period to the July meeting.

MOTION: To continue the public hearing for ZBA 09-04 to the meeting to be held on June 24, 2009 to allow the applicant the time to comply with legal notice requirements.

Motion made by Grady, seconded by Kravits, so voted unanimously.

The public hearing ended at 7:45 p.m.

II. MEETING FOLLOWING PUBLIC HEARINGS

1) Decision on Public Hearing Applications

#09-05 – 591 Route 12, (Submarine Car Wash, LLC)

The Commission felt that a hardship was shown. The change to the overall building coverage will be insignificant (28.5% - 28.9%).

MOTION: To grant #09-05 – 591 Route 12, (Submarine Car Wash, LLC), variances as requested.

Motion made by Russotto, seconded by Kravits, 4 in favor, 1 opposed (Grady)
MOTION PASSED.

2) Correspondence – None

3) Minutes

MOTION: To approve the minutes of May 13, 2009 as written.

Motion made by Manning, seconded by Grady, 5 in favor, 0 opposed, 1 abstention (Kravits)
MOTION PASSED

- 4) Old Business – None
- 5) New Business
 - 1. New Applications
Staff stated that there are no new applications for the June 10, 2009 meeting. There will be two applications on the agenda for June 24, 2009.
 - 2. Discussion of the life of variances relative to a structure being torn down and rebuilt.
 - 3. Record of Decision filing form discussed. Commission requested information on when the form changed and what the reasoning was when the decision was made to change it.
- 6) Report of Staff – None
- 7) Adjournment

Motion to adjourn at 8:06 p.m. made by Manning, seconded by Kravits, so voted unanimously.

Tom Manning, Secretary
Zoning Board of Appeals

Prepared by Lynda Galetta,
Office Assistant II